

(col. 2, lines 64-67), is used to identify the parameters of the program content being received. This information is separately received and compared with the user's preferences, for selecting the desired program content.

The subject invention also relates to audio broadcast signal reception and the selection of programming corresponding to a user's preferences. However, instead of receiving and decoding an auxiliary signal, i.e., the separate program information packets, the subject invention includes "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content, the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user." The program content type classification means is described in the specification on page 5, line 21 to page 6, line 17. As such, the subject invention generates the program content type information from the program content itself, and not from a separate data transmission.

It is well founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either

expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)..

Applicants submit that the program content type classification means is neither shown nor suggested in *Bates et al.*

In response to the above, the Examiner states "Bates does teach the program content type classification means. Bates teaches where program content (e.g. a song) comprises both audio and information packets. When the user is receiving program content, i.e. tuned to a station broadcasting a particular song, information packets and audio packets are separated. The information packets are detected and handled to identify (characterize) the program content (See col. 5 lines 48-51, Col. 7 lines 61-67, Col. 8, lines 1-29)."

Applicants submit that the Examiner is mistaken. In particular, the "information packets" sent and received in *Bates et al.* are not part of the program content but are in addition to the program content. This distinction is made evident in *Bates et al.* at col. 2, line 64 to col. 3, line 7, which states:

"It is assumed for the purposes of the illustrated embodiments that program information, e.g., in the form of program information packets, is embedded within the digital data stream. However, it will be appreciated by one of ordinary skill in the art having the benefit of the instant disclosure that certain aspects of the invention will have applicability in other applications where audio signals may be broadcasted, e.g., analog radio broadcasts, etc. Moreover, other manners of

embedding program information within an audio broadcast signal may also be used in the alternative."

It should be apparent from the above that the program information packets are not a part of the audio programming (program content) which is desired to be rendered by the user. While the program information packets is embedded in and as such is part of the audio broadcast signal, the program information packets are in addition to the audio programming (program content) carried by the audio broadcast signal.

Further, as claimed in, for example, claim 1, the subject invention includes "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content" (emphasis added). To that end, as described in the specification on page 5, line 21 to page 6, line 17:

"Program type classifier 40 derives a digital output signal indicative of the program content of the program signal passed through tuner 16...Classifier 40 can recognize program content by using feature or template based approaches. For example, music and music type can be recognized by responding to the fact that songs with lyrics usually start with only instrumental content and after a few seconds, the lyrics are blended with the instrumental content. Classifier 40 derives a template for the first few seconds. Alternatively, classifier 40 performs a speech to text conversion. If classifier 40 performs such a conversion, the conversion is performed on a program or subprogram level. A program usually contains several segments; e.g., a news program usually contains weather, financial, traffic, local, national and international segments. Classifier 40 responds to

such segments at the subprogram level to derive output signals associated with the content of each segment."

Applicants submit that Bates et al. does not generate a program content type signal from the program content, but rather, merely extracts and displays the program content type signal from that contained in the program information accompanying the program content.

The Finseth et al. patent discloses a method and apparatus for sharing viewing preferences, in which preferences of multiple users is stored and accessed when desired. These preferences are compared with data received from, for example, an electronic programming guide.

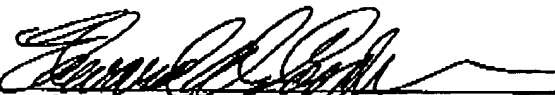
However, Applicants submit that Finseth et al. does not supply that which is missing from Bates et al., i.e., "program content type classification means coupled to said tuning arrangement for receiving said program content and for generating, from said program content, a program content type signal characterizing the program content, the controller receiving and comparing said program content type signal to said stored at least one preference, and enabling the tuner arrangement to be tuned to a carrier frequency of a program source having a program content type corresponding with the preference for the program type of the user", in which the program content type classification means generates the program content type information from the program

content itself, and not from a separate albeit embedded data transmission.

In view of the above, Applicants believe that the subject invention, as claimed, is nether anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-8, 10-17 and 20-22, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by 
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